

# EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

	)	
CORALATIONS, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil No. 12-1281 (SEC)
	)	
NATIONAL MARINE FISHERIES SERVICE,	)	
et al.,	)	
	)	
Defendants.	)	
	)	

## DECLARATION OF PETER GALVIN

I, Peter Galvin, declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

2. I am one of the founders of the Center for Biological Diversity (“Center”) and helped create its organizational purpose and goals. Currently, I am the Conservation Director of the organization.

3. The Center is a non-profit organization that is actively involved in species and habitat protection issues throughout the United States, including efforts related to coral conservation and the effective implementation of the Endangered Species Act (“ESA”). The Center has over 38,000 active members, including many in the greater Caribbean region and more than 50 members in Puerto Rico and the U.S. Virgin Islands.

4. The Center has had a longstanding interest in efforts to conserve elkhorn and staghorn corals. In 2004, the Center petitioned the federal government to protect these corals directly by listing them as “threatened” under the ESA. The Center’s work also has included efforts to secure critical habitat protections for elkhorn and staghorn corals in the Caribbean. Based upon the petition and related work by the Center, the federal government listed both elkhorn and staghorn corals as “threatened” and therefore protected under the ESA in 2006.

5. The Center has been actively engaged for a number of years in reducing threats to coral reefs from overfishing, pollution, global warming, and ocean acidification. The Center’s members and staff include those who have visited areas where the elkhorn and staghorn coral species at issue in this case occur in order to enjoy, recreate, observe, and attempt to observe these corals in their natural habitat. Those members have concrete plans in the future to travel to and recreate in areas where they can enjoy these habitats and corals. The Center’s members and staff use the areas where these corals occur for wildlife observation, research, nature photography, aesthetic enjoyment, recreational, educational, and other activities.

6. In helping create the Center, I sought to establish a nonprofit organization that addressed many of my personal interests in protecting endangered species from the many threats they face such as habitat loss, land development, resource extraction, and climate change. In addition, the Center was created to protect the interests of its staff, members, and board in regard to the future well-being of endangered species, including the protection of the natural habitats and species that the Center’s members enjoy.

7. As a member and staff person of the Center, I too have personal interests in the corals of the Caribbean, including elkhorn and staghorn corals. I have visited the Caribbean

numerous times in both my professional and personal capacity. My travels and research have taken me to both Puerto Rico and to the U.S. Virgin Islands. I have observed coral reefs in the Caribbean on numerous occasions, including during dive trips where I observed elkhorn and staghorn coral reefs. I have also extensively snorkeled in areas where elkhorn and staghorn corals occur. During one of my visits to Puerto Rico, I also had an opportunity to visit and experience a coral restoration project in Culebra. I value my connection to the coral reefs in the Caribbean, and I want to continue to enjoy them on future visits.

8. My first visit to the Caribbean occurred around 1983 and my most recent visit to Puerto Rico was within the past year. I've made periodic trips to the Caribbean and always enjoy visiting the coastal and ocean areas. I've visited the Caribbean more than eight times, and I look forward to many more visits there. Specifically, I plan to visit Puerto Rico and the U.S. Virgin Islands in the near future, including a trip for which I have reserved a house in Puerto Rico in February 2013. I plan to visit the Caribbean region on an annual basis, and I have family that lives there.

9. My interests and the interests of other members of the Center for Biological diversity have been adversely affected by the actions of NMFS in connection with that agency's preparation of the Biological Opinion that is challenged in this case. Specifically, the failure of NMFS in that Biological Opinion to conduct the kind of analysis required by the ESA is allowing the depletion of the parrotfish that protect elkhorn and staghorn corals and habitat. As a result, our ability to view these corals and to further advocate for their protection are being inhibited and our ability to protect them is being harmed.

10. Since the organization's founding in 1989, the activities of the Center have focused on the protection of endangered species and their habitats. The Center has several programs in place to address the many components of such advocacy including an Oceans Program, Climate, Air, and Energy Program, and Biodiversity Program.

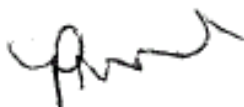
11. As part of its mission, the Center provides oversight of governmental activities that impact endangered species. The Center has been at the forefront of efforts to hold the government accountable for its obligations under the ESA and engages in litigation strategies to ensure that our nation's environmental laws are enforced with respect to imperiled wildlife and its habitat.

12. The Center's Oceans Program focuses on the protection of marine species and their ocean habitats, including our specific and successful effort to have elkhorn and staghorn coral listed as protected under the ESA. The Center has worked extensively to protect marine life from threats to their survival and recovery; this includes our efforts with respect to elkhorn and staghorn corals.

13. In sum, the Center was organized for the protection of native species and their habitats, including the elkhorn and staghorn corals that are the focus of this case. The interests of the Center, its members, board, and staff are directly affected by the outcome of this litigation. The instant action is central to the organization's purpose and the Center is well suited to advocate on behalf of those interests.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of September, 2012.

A handwritten signature in black ink, appearing to read 'Peter Galvin', written over a horizontal line.

PETER GALVIN  
Member, Center for Biological Diversity